

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

vs.

(3) BRANDON MORRIS

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CRIMINAL NO: SA:18-CR-00435(3)-XR

ORDER AMENDING
SCHEDULING ORDER

The matters before the Court is the status of this case. In light of the current Presidentially declared national emergency due to COVID-19 and considering Chief Judge Orlando Garcia's exigent circumstances orders dated March 13, 2020, March 16, 2020 and the Supplemental Order Regarding Court Operations entered on April 15, 2020, May 8, 2020, June 18, 2020, July 2, 2020, August 6, 2020, September 21, 2020, October 14, 2020, November 18, 2020, December 10, 2020, January 7, 2021 and February 2, 2021 which are incorporated by reference:

www.txwd.uscourts.gov/wp-content/uploads/2020/03/Order-Re-COVID-19.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/ORDER-re-Grand-Jury-Proceedings-031620.pdf; www.txwd.uscourts.gov/wp-content/uploads/2020/03/SupplementalOrderCOVID19-041520.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/SupplementalOrderCOVID19%20050820.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/SupplementalOrderCOVID61820.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/07/SupplementalOrderRegardingCourtOperationsUnderTheExigentCircumstancesCreatedByTheCovid19Pandemic.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/SeventhSupplementalOrderCOVID080620.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/OLGEighthSuppCOVIDOrder92120.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/03/NinthSuppCovidOrder101420.pdf;

www.txwd.uscourts.gov/wp-content/uploads/2020/11/OLGOrderTenthSupplementalCOVID11820.pdf; <http://www.txwd.uscourts.gov/wp-content/uploads/2020/12/OrderEleventhSupplementalCOVID121020.pdf>; <http://www.txwd.uscourts.gov/wp-content/uploads/2020/12/OrderEleventhSupplementalCOVID121020.pdf>;

<http://www.txwd.uscourts.gov/wp-content/uploads/2020/12/OrderEleventhSupplementalCOVID121020.pdf>;

[scourts.gov/wp-content/uploads/2021/01/OrdertwelfthSupplementalCOVID010721.pdf](http://www.txwd.uscourts.gov/wp-content/uploads/2021/01/OrdertwelfthSupplementalCOVID010721.pdf)[http://www.txwd.uscourts.g](http://www.txwd.uscourts.gov/wp-content/uploads/2021/02/ThirteenthSupplementalOrderCOVID020221.pdf)

[ov/wp-content/uploads/2021/02/ThirteenthSupplementalOrderCOVID020221.pdf](http://www.txwd.uscourts.gov/wp-content/uploads/2021/02/ThirteenthSupplementalOrderCOVID020221.pdf). It is hereby Ordered that speedy trial be tolled in this case. In fact, considering the exigent circumstances created by the COVID-19 Pandemic, the severity of the risks to those who would otherwise be required to work in close quarters absent a continuance, and the public-health matters that weigh in favor of reducing the size of public gatherings and travel, the Court finds that the best interest of the public are served by this continuance.

Further, in considering the facts and findings in the Western District of Texas' Orders Regarding Court Operations Under the Exigent Circumstances Created By the COVID-19 Pandemic, and the factors the Court listed in 18 U.S.C. 3161(h)(7)(B), the Court finds that the Ends of Justice are served by continuing the proceedings and that those factors outweigh the best interest of the public and defendant in a speedy trial.

IT IS THEREFORE ORDERED that the period between **March 22, 2021** and **April 26, 2021** is a reasonable period of necessary delay to allow counsel time for preparation for trial and further finds that such period shall be excluded from the time within which the defendant must be brought to trial and the Ends of Justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial under the Speedy Trial Act pursuant to Title 18, United States Code, Section 3161(h)(7)(A).

IT IS FURTHERED ORDERED that this case will proceed on the following amended schedule:

Pursuant to Federal Rules of Criminal Procedure 11(c) and holding of the Fifth Circuit Court of Appeals in United States of America v. Ellis, 547F.2d 863 (5th Cir. 1977), the **deadline** for notifying the Court of any **PLEA AGREEMENT** entered into by the parties in this cause is **Friday, April 2, 2021**. No plea agreement entered into after that date will be honored by this Court without good

cause shown for the delay.

DOCKET CALL or **REARRAIGNMENT** and **PLEA** are set for **Thursday, April 15, 2021 at 1:30 P.M.**, in **Courtroom 3** of the John H. Wood, Jr., United States Courthouse, 655 E. Cesar Chavez Boulevard., San Antonio, Texas. Proposed jury instructions, voir dire, and motions in limine shall be filed by **Friday, April 09, 2021.**

JURY SELECTION AND TRIAL are set for **April 26, 2021** at **9:30 A.M.**, in **Courtroom 3** of the John H. Wood, Jr., United States Courthouse, 655 E. Cesar Chavez Boulevard, San Antonio, Texas.

AS A REMINDER TO THE ATTORNEY FOR DEFENDANT:

If your client is in custody, arrangements should be made with the U.S. Marshal Service prior to the date of jury selection and trial to ensure your client has proper attire. In addition, whenever defendants or witnesses have a need for the services of the **Court Interpreter**, please notify the Courtroom Deputy no later than **five (5) days** before this court setting.

The Clerk of Court shall send a copy of this order to the United States Attorney, attorney for the defendant, United States Marshal, United States Probation Officer, and Pretrial Services Officer. **Counsel for defendant will notify the defendant of this setting**, and if the defendant is on bond, advise the defendant that he or she must be present for all court settings unless excused by the Court. All inquiries pertaining to this Scheduling Order should be directed to Sylvia Ann Fernandez, Courtroom Deputy for Judge Xavier Rodriguez, at (210) 244-5011.

Signed this 8th day of February, 2021.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE